

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: :
ZIMMERMAN, Michael H., et al. :
Serial No. 10/799,556 : Group Art.Unit: 1762
Filed: March 11, 2004 : Examiner: not yet assigned
For: METHOD AND APPARATUS FOR MACHINING FIBER CEMENT

RESPONSE TO MISSING PARTS AND CORRECTION OF SMALL ENTITY STATUS
PURSUANT TO 37 C.F.R. §1.28(c)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, dated October 18, 2004, submitted herewith is the following:

- Executed Declaration and Power of Attorney (3 pages);
- Copy of Notice to File Missing Parts of Nonprovisional Application; and
- Copy of check and fee transmittal as originally submitted

Also, Applicants erroneously, and without deceptive intent, claimed Small Entity Status. Applicants hereby wish to correct its status to Large Entity. Applicants, however, did pay the Large Entity fees for the application as evidenced by the attached copies of the check and fee transmittal as originally submitted.

Please charge the \$130.00 fee due in connection with the filing of these papers, including any additional fees, to Deposit Account No. 50-0436, and please credit any excess fees to such deposit account.

Respectfully submitted,

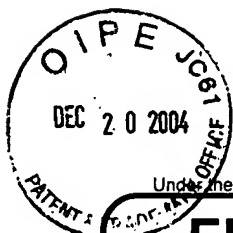
PEPPER HAMILTON LLP



James M. Singer

Registration No. 45,111

One Mellon Center, 50th Floor
500 Grant Street
Pittsburgh, PA 15219
Phone: (412) 454-5000
Fax: (412) 281-0717
Date: December 16, 2004



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 954.00

Complete if Known

Application Number	not yet assigned
Filing Date	March 11, 2004
First Named Inventor	Dyer
Examiner Name	not yet assigned
Art Unit	not yet assigned
Attorney Docket No.	128346.60601

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

50-0436

Pepper Hamilton LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 770.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below	Fee Paid
Total Claims	23 -	-20** =	3	x	18 = 54.0
Independent Claims	3	-3** =	0	x	0 = 0
Multiple Dependent					

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 54.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	130.00
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

Name (Print/Type) James M. Singer

Registration No.
(Attorney/Agent)

45,111

(Complete if applicable)

Telephone 412.454.5000

Signature

J.M. Singer

Date

March 11, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

In re Application of: :
Zimmerman et al. :
Serial No. 10/799,556 : Group Art Unit: 1762
Filed: March 11, 2004 : Examiner: not yet assigned

For: METHOD AND APPARATUS FOR MACHINING FIBER CEMENT

I HEREBY CERTIFY THAT THIS RESPONSE TO MISSING PARTS AND CORRECTION OF SMALL ENTITY STATUS TOGETHER WITH THE DOCUMENTS CITED THEREIN IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE VIA REGULAR MAIL, POSTAGE PREPAID UNDER 37 C.F.R. § 1.8 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE MAIL STOP MISSING PARTS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Date: December 16, 2004

Michelle Pichora

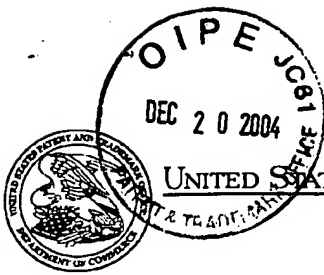
(Typed or printed name of person mailing paper or fee)

Michelle Pichora

(Signature of person mailing paper or fee)

DOCUMENTS ENCLOSED:

1. Response to Missing parts and Correction of Small Entity Status with copy of notice;
2. Declaration and Power of Attorney
3. Copy of check and fee transmittal;;
4. Postcard; and
5. Certificate of Mailing.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10799,556	03/11/2004	Dwight E. Dyer	128346.60601

CONFIRMATION NO. 7793

FORMALITIES LETTER



OC000000014105111

Pepper Hamilton LLP
 Firm 21269
 500 Grant Street, 50th Floor
 One Mellon Center
 Pittsburgh, PA 15219

Date Mailed: 10/18/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

~~12/21/2004 MBEYENE1 00000035 10799556~~

FILED UNDER 37 CFR 1.53(b)

~~01 FC:1051~~~~-130.00 OP~~*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450

12/22/2004 MBEYENE1 00000003 10799556

01 FC:1808

130.00 OP Alexandria VA 22313-1450

Adjustment date: 12/22/2004 MBEYENE1
 12/21/2004 MBEYENE1 00000035 10799556
 01 FC:1051
 -130.00 OP

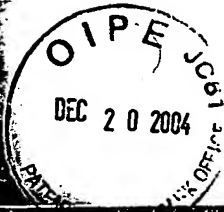
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



BEST AVAILABLE COPY

CITIZENS BANK
PENNSYLVANIA

5953

3-7815/360
883

3/11/2004

PEPPER HAMILTON LLP
11 MELLON BANK CTR
500 GRANT ST 50TH FL
PITTSBURGH PA 15219

PAY TO THE ORDER OF Commissioner For Patents

\$ **984.00

Nine Hundred Eighty-Four Only

DOLLARS

James H. Bork
James H. Bork

128346606017 Filing Fees

MEMO

⑈005953⑈ ⑆036076150⑆ 6101343791⑈